

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 10:00 A.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable Dennis A. Cornell, Associate Justice; Honorable Stephen Kane, Associate Justice; and Charlene Ynson, Assistant Clerk/Administrator, by Jill Rivera, Deputy Clerk.

**F052958      Shiralian v. Shiralian**

Cause called and argued by James F. Tritt, Esq., counsel for appellant and by Katherine E. Donovan, Esq., counsel for respondent.

Cause ordered submitted.

At this point Kane, J. leaves the bench and is replaced by Gomes, J.

**F054453      People v. Manfredi**

Cause called and argued by John Sliney, Deputy District Attorney, counsel for appellant and by Neal Pedowitz, Deputy Public Defender, counsel for respondent.

Cause ordered submitted.

At this point Vartabedian, Acting P.J. directs Cornell, Acting P.J. to act as Presiding Justice in his absence, leaves the bench and is replaced by Kane, J.

**F052043      Mario Zapata v. CA Dept. of Corrections and Rehabilitation**

Cause called and argued by Mario Zapata, appellant in propria persona and by Stephen Pass, Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

Court recessed until Thursday, December 11, 2008 at 11:00 A.M.

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**F055349      People v. Flores**

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F054534      People v. Ramos**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F054534      People v. Ramos**

One section 667, subdivision (a)(1) enhancement is hereby stricken and the matter is remanded for resentencing. The judgment is otherwise affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F055118      People v. Ewalt**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F055118      People v. Ewalt**

The recommitment order is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F055531      People v. Barrera**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F055531      People v. Barrera**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F055591      People v. Navarro**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F055591      People v. Navarro**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F053830      People v. Garza**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice mailed to counsel and the cause is submitted.

**F054471      People v. Richer**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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- F054471**      **People v. Richer**  
The judgment is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F053830**      **People v. Garza**  
The judgment is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F055438**      **In re G.R., a Minor**  
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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- F055438**      **In re G.R., a Minor**  
The order terminating parental rights is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F054721**      **In re M.C. et al., Minors**  
The judgment is reversed and remanded to the trial court with directions. Vartabedian, Acting P.J.  
We concur: Gomes, J.; Kane, J.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F052660**      **Warkentin v. Countrywide Home Loans et al.,**  
**F053148**      **Warkentin v. Countrywide Home Loans et al.,**  
The judgment is reversed. The order awarding attorney fees is vacated. The matter is remanded and the trial court is instructed to grant plaintiff leave to amend his complaint to state a potential cause of action under RESPA. Each party shall bear their own costs on appeal. Kane, J.  
We concur: Vartabedian, Acting P.J.; Cornell, J.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F056011**      **B.H., v. Kern Co. Dept. of Human Services**  
The above-entitled case is submitted for decision.
- F054633**      **People v. Contreras**  
The judgment is affirmed. Wiseman, Acting P.J.  
We concur: Gomes, J.; Hill, J.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]